

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

— - - - - X

UNITED STATES OF AMERICA

- against -

21-CR-65 (RJD)

LUIS ENRIQUE MARTINELLI LINARES

Defendant.

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DECLARATION OF PUBLICATION

According to my review of the electronic database maintained by the Department of Justice, Notice of Criminal Forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on November 10, 2022 and ending on December 9, 2022, as required by 21 U.S.C. § 853(n)(1), and evidenced by Attachment 1.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 10, 2023.

Samuel Williams
Samuel Williams
PROMinds Records Examiner



Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between November 10, 2022 and December 09, 2022. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Luis Enrique Martinelli Linares, et al.

Court Case No: CR-21-0065
For Asset ID(s): See Attached Advertisement Copy

| Consecutive Calendar Day Count | Date Advertisement Appeared on the Web Site | Total Hours Web Site was Available during Calendar Day | Verification that Advertisement existed on Web Site |
|--------------------------------|---|--|---|
| 1 | 11/10/2022 | 23.9 | Verified |
| 2 | 11/11/2022 | 23.9 | Verified |
| 3 | 11/12/2022 | 23.9 | Verified |
| 4 | 11/13/2022 | 23.8 | Verified |
| 5 | 11/14/2022 | 23.8 | Verified |
| 6 | 11/15/2022 | 23.9 | Verified |
| 7 | 11/16/2022 | 23.9 | Verified |
| 8 | 11/17/2022 | 23.9 | Verified |
| 9 | 11/18/2022 | 23.9 | Verified |
| 10 | 11/19/2022 | 23.9 | Verified |
| 11 | 11/20/2022 | 23.8 | Verified |
| 12 | 11/21/2022 | 23.9 | Verified |
| 13 | 11/22/2022 | 23.9 | Verified |
| 14 | 11/23/2022 | 23.9 | Verified |
| 15 | 11/24/2022 | 23.9 | Verified |
| 16 | 11/25/2022 | 23.9 | Verified |
| 17 | 11/26/2022 | 23.9 | Verified |
| 18 | 11/27/2022 | 23.9 | Verified |
| 19 | 11/28/2022 | 23.9 | Verified |
| 20 | 11/29/2022 | 23.9 | Verified |
| 21 | 11/30/2022 | 23.9 | Verified |
| 22 | 12/01/2022 | 23.8 | Verified |
| 23 | 12/02/2022 | 23.9 | Verified |
| 24 | 12/03/2022 | 23.9 | Verified |
| 25 | 12/04/2022 | 23.9 | Verified |
| 26 | 12/05/2022 | 23.9 | Verified |
| 27 | 12/06/2022 | 23.9 | Verified |
| 28 | 12/07/2022 | 23.9 | Verified |
| 29 | 12/08/2022 | 23.9 | Verified |
| 30 | 12/09/2022 | 23.9 | Verified |

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
COURT CASE NUMBER: CR-21-0065; NOTICE OF FORFEITURE**

Notice is hereby given that on May 27, 2022, in the case of U.S. v. Luis Enrique Martinelli Linares, et al., Court Case Number CR-21-0065, the United States District Court for the Eastern District of New York entered an Order condemning and forfeiting the following property to the United States of America:

All right, title, and interest in all funds previously held in an attorney escrow account at International Finance Bank held for the benefit of Luis Enrique & Ricardo Alberto Martinelli Linares, account number 011648 (21-FBI-010156);

All right, title, and interest in the real property and premises (the "Real Property") located at Icon Tower, 495 Brickell Avenue, Apt 4701, Miami, FL, 33131, and all proceeds traceable thereto (21-FBI-010168), including but not limited to the net proceeds from the sale of the Real Property and approximately \$5,173.42 in rental income derived from the Real Property (22-FBI-007244);

All right, title, and interest in all funds previously restrained by U.S. Immigration and Customs Enforcement in connection with defendant Luis Enrique Martinelli Linares's immigration bond, file no. A*** _ **4-620, Bond Receipt no. KROC1900454, and associated with Treasury Account Symbol 70X6697 fund code 05 in the approximate amount of \$1,032,508.14 (22-FBI-000907);

All right, title, and interest in approximately six hundred sixty-nine thousand dollars and zero cents (\$669,000.00) from Luis Enrique Martinelli Linares (22-FBI-000974);

All right, title, and interest in approximately six hundred sixty-nine thousand ninety-four dollars and forty cents (\$669,094.40) from Ricardo Alberto Martinelli (22-FBI-002883);

All right, title, and interest in all funds on deposit at Bank Vontobel AG in Switzerland in account no. 10.520976-6 held in the name of Diamong Investments Corp. (22-FBI-007146);

All right, title, and interest in all funds on deposit at Bank Vontobel AG in Switzerland in account no. 10.328861-1, held in the name of Waterspoon International Ltd. (22-FBI-007147); and

All right, title, and interest in UBS (Switzerland) account in the name of Schmid Rechtsanwalte, account CH-0023-0230-1103-5365L, in the approximate amount of \$7,703,673.89 (22-FBI-007148).

The United States hereby gives notice of its intent to dispose of the forfeited

property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (November 10, 2022) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, 225 Cadman Plaza East, Brooklyn, NY 11201, and a copy served upon Assistant United States Attorney Laura Mantell, 271 Cadman Plaza East, 7th Floor, Brooklyn, NY 11201. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Laura Mantell, 271 Cadman Plaza East, 7th Floor, Brooklyn, NY 11201. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.